

Waiving of Fees Policy

February 2024



INFORMATION ABOUT THIS DOCUMENT

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Further Document Information and Relationships	
Related Legislation*	Local Government Act 1993
Related Policies	
Related Documents	Fees and Charges Instrument of Sub-Delegation to the General Manager

**Note: Any reference to Legislation will be updated in the Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.*

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PURPOSE

This document deals only with the reduction, waiver or refund of Council fees and charges associated with the use of Council facilities or other operational services provided and seeks to ensure;

- A standard process for applicants to follow
- Equitable assessment of each request received
- Transparency and accountability to the community
- Effective reporting mechanisms

SCOPE

- General Manager
- Chief Financial Officer
- Director of Corporate and Community Services
- Director Infrastructure and Environmental Services
- Delegated Officers

BACKGROUND

Assessment Procedures

In setting the annual schedule of Fees and Charges, Council seeks to balance the costs associated with maintaining and operating its facilities and the capacity of community organisation to pay for the use of those facilities. The proposed Fees and Charges are placed on public exhibition for a period of 28 days; Residents and community organisations are encouraged to provide feedback during the public exhibition period and Council's final determination takes all submissions into consideration.

As indicated in the Schedule of Fees and Charges, the majority of fees and charges reflect a proportion of the costs associated with operating and maintaining these facilities. Applicants requesting a reduction or waiver of the already subsidised fees and charges must demonstrate exceptional circumstances.

All applications to waive or reduce Council fees and charges must be assessed and deemed eligible/ineligible on the application attached to the back of this policy document and addressed to the General Manager. Requests for fee reductions or waivers must be made a minimum of six weeks prior to the proposed activity. Eligibility and assessment criteria must be provided to applicants upon request or on receipt of applications.

All applications will be reviewed by the relevant services area and a recommendation submitted to the General Manager.

The General Manager has the authority to approve a reduction of fees up to \$500.

Request for fee reductions or waivers of more than \$500 will be referred to Council.

A written explanation of the assessment of the request will be provided to the applicant.

Upon Request the Application may be asked to:

Demonstrate a substantial degree of community support and representation.

Explain the nature of the event or activity; and the perceived benefit of the event or activity to the local community.

Detail alternative funding sources available and accessed by the organisation.

Detail other funding assistance provided by the council.

Detail information regarding the organisation to include

- a) Organisation's profile.
- b) Membership information.
- c) The applicant organisation's last Audited Financial Statements
- d) Funding profile and non-profit status (submission of Australian Taxation Office documentation confirming non-profit status).
- e) Marketing intentions and acknowledgement of Council's contribution.

ROLES AND RESPONSIBILITIES

The original assessment of an application is to be made by the relevant Council Officer in consultation with their Manager. Once assessed, applications up to \$500 are then to be forwarded for final determination to the General Manager.

APPLICABILITY

To be eligible for a waiver or reduction of Council fees and charges, the applicant must be in at least one of the following categories:

- Charitable organisations
- Not-for-profit organisations
- Community Groups
- Demonstrate special circumstances as determined by the General Manager's Office or Council's delegated staff.

To be eligible for a waiver or reduction of Council's Fees and Charges relating to Council facilities, the application must be based in and/or service the local area.

Applicants will be required to provide supporting evidence of financial hardship with their application.

Applications can only be made to waive or reduce fees which are not mandated under legislation and where Council has the legal ability to use discretion.

Unless the adopted fee is considered unreasonable or inappropriate considering the specific circumstances or work required, Council will not consider applications to waive the fees and charges for:

- Any profit-making ventures for commercial entities
- Any activity, event or program that contravenes Council's existing policies.
- The Bond associated with the use of Council (only the waiver of fees for an activity, event or function will be considered)

- Any organisation/individual that has already been approved two (2) fee waivers, reductions or discounts for other purposes within the current calendar year.

PRINCIPLES

Special Conditions

Recurrent request to waive Council fees and charges will be assessed as per the criteria outlined in this policy.

Any approval given for the reduction or waiver of fees for any organisation/individual, will only be applied to a single event. Any future or ongoing (annual) events will require further applications to be submitted to Council for consideration.

If an application for waiver of fees and charges does not meet the evaluation criteria but is assessed by the General Manager as a case warranting further consideration, a report will be prepared by the relevant officers for the General Manager's consideration.

Assessment Criteria

Council has an obligation to participate in community activities and promote the wellbeing of the community. Assisting community groups to provide activities, events and programs satisfies this obligation.

Council is also obliged to effectively, efficiently and financially manage its facilities to provide service to the community.

Council has a further obligation to raise funds by the imposition of rates, fees and charges for its facilities and services, with these monies being allocated to assist in the provision of services to the community (which includes requirements for any upgrades) and implementation of this policy will affect this function.

Budgeting Implications

A loss of income incurred as a result of implementing this policy needs to be considered when determining any application.

A register of all requests and their outcomes will be maintained and reported on a quarterly basis to Council.

APPLICATION FORM

REDUCTION OR WAIVER OF COUNCIL FEES & CHARGES



Printed copies of documentation is not required, please see Council's Electronic Document requirements.

1. Application details			
Name			
Address			
Primary Contact Person		Number:	
Email address			
I have been authorised to act on behalf of <i>(name of Community Group/Organisation)</i>			
2. Facility required			
Facility Name			
Date(s) Required – Start		Finish	
Time(s) Required – Start		Finish	
Purpose of Hire			
3. Reasons for reduction or waiver of fees			
4. To be eligible for consideration for the reduction or waiver of Council fees and charges the application must be in at least one of the following categories <i>(please tick)</i>			
<input type="checkbox"/> Charitable organisation	<input type="checkbox"/> Non for profit organisation <i>{please provide evidence of Australian Taxation Office documentation on confirming non-profit status}</i>		
<input type="checkbox"/> Community groups	<input type="checkbox"/> Demonstrate special circumstances as determined by the General Manager		
<input type="checkbox"/> Other:			

5. Applicants must attach relevant supporting documents, including evidence of financial hardship and audited financial statements.

Explain the nature of the proposed event or activity; and the perceived benefit of the event or activity to the local community

6. How will Council's support be acknowledged?

Office Use Only

Assessed (please tick) Eligible Ineligible

Assessed by

Position

Comments

Date

Signature

PRIVACY & PERSONAL INFORMATION PROTECTION NOTICE

By completion of this form you may be providing Council with personal information. Council will collect the information only for a lawful purpose directly related to the function of Council. Information provided to Council may be used in conjunction with any of Council's business operations. We will take reasonable care not to disclose personal information. Exempt documents may come under the Government Information (Public Access) Act 2009.